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## **Section 21. Official Court Reporter Records Retention Schedule**

### **Part 1. Scope.**

A. This records retention schedule applies to all official court reporters in the State of Arkansas. "Official court reporter" as used in this retention schedule means a court reporter, certified by the Arkansas Board of Certified Court Reporter Examiners, who is regularly employed by a circuit judge, or a "substitute court reporter," who serves in the absence of the regularly employed court reporter.

B. The term "records" as used in this retention schedule refers to any and all verbatim records produced by an official court reporter and all physical exhibits received or proffered in evidence in any court hearing, trial, or proceeding.

### **Part 2. Court Ordered Retention of Specific Records.**

Upon the motion of any party demonstrating good cause or upon the court's own motion, the trial judge may enter an order directing that the records be retained for an additional period beyond the time established in PART 6. At the end of each additional court-ordered retention period, the judge may enter a new order extending the retention period.

### **Part 3. Responsibility for Storage; Sanctions.**

A. During the period which the records are required to be retained, it shall be the responsibility of the official court reporter to maintain his or her records in an orderly, secure, and identifiable manner. It is highly recommended that space be provided in the county courthouse in the county where the official court reporter maintains an office or resides. If that is not feasible, it shall be the responsibility of the official court reporter to provide adequate space for the records.

B. When physical exhibits include firearms, contraband, or other similar items, such items may be transferred to the sheriff or other appropriate governmental agency for storage and safekeeping. The sheriff or governmental agency shall sign a receipt for such items and shall acknowledge that the items shall not be disposed of until authorized by subsequent court order. Other items of physical evidence which present storage problems may be transferred to the attorney of record for storage and safekeeping subject to approval of the trial court and upon appropriate documentation. Forms of orders and receipts for the transfer and disposal of exhibits are appended to Regulation 21.

C. If an official court reporter leaves his or her position for any reason other than his or her

death, the reporter shall, within thirty (30) days, deliver or cause to be delivered, those records as defined in PART 1, to the trial court and retained by the court until a subsequent official court reporter is employed or retained, at which time the records shall be transferred to that reporter. A former official court reporter who maintains Arkansas certification may, with the court's permission, temporarily retrieve his or her former records necessary to prepare an appeal transcript or other documents which a party may request.

D. If an official court reporter dies while still in possession of those records subject to retention as defined in PART 1, the trial court shall take possession of those records within thirty (30) days of the official court reporter's death. The trial court shall retain possession of the records until a subsequent official court reporter is employed or retained. At that time the records shall be transferred to the possession of the subsequent official court reporter who shall safely maintain the records subject to the direction of the trial court.

E. If an official court reporter is unavailable and the trial court employs a substitute official court reporter, the trial court shall take possession of all records obtained by the substitute official court reporter during his or her service upon the conclusion of his or her employment.

F. Any person who fails to comply with or who interferes with these transfer provisions may be ordered to appear and show cause why he or she should not be held in contempt of court.

#### **Part 4. Methods of Disposal of Records.**

A. Paper records may be disposed of by burning or shredding.

B. Audio recordings/files or digital media may be erased.

C. Upon their written request, physical exhibits, other than weapons or contraband shall be returned to the party or attorney who proffered same. If no request is made within the time period for retention, the court reporter may dispose of the exhibit.

D. Exhibits such as weapons or contraband shall be disposed of in the following manner: (1) weapons, in whatever form, unless otherwise ordered by the trial court, shall be transferred to the sheriff, or his or her designee, in the county where the case was tried, for disposal pursuant to law; (2) contraband, in whatever form, shall be transferred to the sheriff, or his or her designee, in the county where the case was tried, for disposal pursuant to law.

#### **Part 5. Log of Records, Sanctions.**

A. Each official court reporter shall maintain an accurate, orderly log of his or her records which also notes the date and method of destruction of each record listed. Any work papers maintained by the reporter for the purpose of identifying the record of court proceedings shall suffice, as long as they are legible. When an official court reporter leaves his or her position for whatever reason, the trial court shall take possession of the log no later than the date he or she takes possession of the records as set out in PART 3. When a subsequent official court reporter is employed or retained, the log shall be transferred to the possession of the subsequent official court reporter who shall safely maintain the log subject to the direction of the trial court.

B. Any person who fails to comply with or who interferes with this Section may be ordered to appear and show cause why he or she should not be held in contempt of court.

Part 6. Official Court Reporter Retention Schedule.

**TYPE OF CASE**

**PERIOD OF RETENTION**

**Criminal Cases**

Death Penalty	Permanently
Life in Prison w/o Parole	Permanently
Other Felonies (transcript lodged with appellate court)	90 days after Mandate issues
Other Felonies (no transcript prepared)	5 years from date of verdict or sentencing
Misdemeanors	2 years from date of sentencing
Grand Jury Proceedings	1 year subsequent to adjournment

**Civil Circuit**

All Cases (transcript lodged with appellate court)	90 days after Mandate issues
All Cases (no transcript prepared)	2 years from date of final order of trial court

**Juvenile Division of Circuit Court**

All Cases (transcript lodged with appellate court)	90 days after Mandate issues
(cases where no transcript is prepared);	
Delinquency	3 years from date of final order of trial court or on date of expungement order, whichever occurs first
Families in Need of Services (FINS)	3 years from date of final order of trial court
Dependent/Neglect	7 years from date of final order of trial court

**Part 7. Effective Date.** This Official Court Reporter Records Retention Schedule is effective immediately upon publication. It applies to records of cases already tried and those to be tried.

**History Text:**

Amended and effective by per curiam order September 21, 2017.

**Associated Court Rules:**

Regulations of the Board of Court Reporter Examiners

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